

UNITED STATES BANKRUPTCY COURT
FOR THE
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

IN RE:

Gene Allen Walda
PO Box 806
Pierceton, Indiana 46562

Nancy Lynne Walda
PO Box 806
Pierceton, Indiana 46562
Debtors

CHAPTER 13
BANKRUPTCY NO. 10-BK-31254

OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN

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Comes now the creditor, DCFS Trust, (hereinafter "Creditor") by counsel, and hereby objects to the confirmation of the proposed Chapter 13 Plan. In support of its Objection, Creditor states as follows:

1. **Terms of the Plan.** Creditor objects to the following terms of the Plan:

- A. The Plan provides for the assumption of the lease between Debtor(s) and Creditor of a 2008 Dodge Avenger. Creditor has no objection to this assumption, except to state that the correct, current monthly payment for the vehicle is \$401.21. In addition, the Plan does not provide for the curing of arrearages on the lease contract prior to the lease termination date. The pre-petition arrears due on this account are in the amount of \$1,263.81. Thus, the Plan fails to cure or provide adequate assurances that the trustee will promptly cure these arrearages. 11 U.S.C. §365.

Respectfully Submitted,

MAPOTHER & MAPOTHER, P.S.C.

BY: /s/ Robert D. McIntosh
Robert D. McIntosh
Counsel for Creditor
MAPOTHER & MAPOTHER, P.S.C.
815 West Market Street
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Louisville, KY 40202
502-587-5400

CERTIFICATE OF SERVICE

I hereby certify that the foregoing either has been sent electronically, or by first class mail to the persons listed below on 4-23-2010: debtor's attorney, Amber L. Blackford, Attorney At Law, 216 W. Fort Wayne Street, Warsaw, IN 46580, debtor, Gene Allen Walda, PO Box 806, Pierceton, Indiana 46562 and Debtor, Nancy Lynne Walda, PO Box 806, Pierceton, Indiana 46562 and to the Trustee, Debra L. Miller, P.O. Box 11550, South Bend, IN 46634, U.S. Trustee, 100 East Wayne Street, Suite 555, South Bend, IN 46601.

MAPOTHER & MAPOTHER, P.S.C.

BY: /s/ Robert D. McIntosh
Robert D. McIntosh
Counsel for Creditor